**OHCHR workshop on promoting and protecting economic, social and cultural rights**

**6 February 2023**

**Geneva, Switzerland**

**Session 1: Global prospects on economic, social and cultural rights**

**Prof Yanghee Lee: Session one (six minutes)**

*Given your experiences documenting and reporting human rights violations and serious crimes under international law, why do you think the realisation of economic, social and cultural rights should be prioritised to address structural issues that drove countries into conflict?*

* Thank you very for inviting me to this very important event. The question you just posed is an important question that doesn’t get discussed enough. I have spent a significant amount of time working for the UN human rights mechanisms documenting and reporting about human rights violations and violations of international humanitarian law. I served many years on the Committee on the Rights of the Child, and many years as a Special Rapporteur on the human rights situation on Myanmar. During these years, and after visiting and seeing the situations on the ground first hand, I discovered that violations of human rights and humanitarian law and mass atrocities, at devastating levels, were being committed as part of law and policy by both state and non-state actors. And this led me to realize that there were structural and systemic reasons behind these violations and that we need to do much more to find out the understand the structural reasons and ways of addressing them.
* The world has witnessed horrific situations worldwide such as mass killings, rape, mass displacement, destruction of properties, attacks on civilian populations and ethnic cleansing/genocide. I am afraid these actions do not happen suddenly, or out of no reason. They are the results of deep rooted structural and systemic reasons.
* As we all know, human rights are universal, interrelated, interdependent, indivisible, inalienable, equal, and non-discriminatory. Indivisibility requires member states to invest in both economic, social, and cultural rights and civil and political rights equally and focus should be made to address the structural issues, such as inequality and judicious distribution of national resources in the public sector. The requirement to prioritize the needs of the most marginalized groups comes from the State’s obligation under the Covenant to guarantee that the rights it contains will be exercised without discrimination of any kind, such as on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.
* Discrimination undermines the fulfilment of economic and social rights for a significant portion of the world’s population. Globally, economic growth has not led to sustainable development, and individuals and groups of individuals continue to face socio-economic inequality, often because of entrenched historical and contemporary forms of discrimination.
* Discrimination can be direct or indirect. Direct discrimination, on the basis of ethnicity or religion is the more visible type of discrimination. However, indirect discrimination, through laws, policies or practices can appear neutral at face value, but have a disproportionate impact. As an example, requiring a birth registration certificate for school enrolment discriminates against ethnic minorities who do not possess, or have been denied, such certificates – as in the case for the majority of Rohingya in Myanmar.
* Systematic discrimination, discriminatory laws and policies, systematic deprivation, starvation and lack of access to services such as primary education and health care have caused the suffering I have seen in many parts of the world. Growing inequality and lack of economic opportunities have contributed to growing grievances. Sustained grievances and enduring resistance from governments and others to address the grievances have often resulted in violence against those populations governments are obligated to protect.
* Poverty can be the result of discrimination which puts people at risk for violence. I have seen this in Myanmar where many of its states are enriched with natural resources, but structural discrimination drove out many ethnic minority populations, making them more vulnerable for further discrimination and violence. Violation, or denial of ESC rights can be equally as ‘violent’ as the violation or denial of civil and political rights.
* Suffering deepens after the occurrence of violations of human rights. Let us think of the people living in refugee camps. Let us think of people living in IDP camps. Let us think of victims of rape and sexual abuse living in this situation. Their access to housing, health, education, and services such as clean drinking water and sanitation. While I am aware that much progress has been achieved in legislating the norms, a lot is needed to overcome freedom from hunger and freedom from fear.
* It is important for all of us to recognise that conflicts and human rights violations can be prevented if we invest enough in people and their needs. We have to pay equal attention to the two virtues of the UDHR, freedom from fear and freedom from hunger. All of us sitting and having this important conversation today, join forces; we can do it. It does not need huge efforts but needs commitment and judicious distribution of resources. In doing so, it would be helpful to equip OHCHR with the capacity for early warning and prevention of violations of economic, social and cultural rights. In cases I have observed, the systematic denial of ESC rights is both a precursor to conflict, and a weapon used during conflict by state actors.
* I have documented and reported in detail on the suffering of the Rohingya community who were violently driven out from Myanmar and now live in Bangladesh. The persecution of Rohingya involved the systematic denial of ESC rights. That fuelled further discrimination against them inside Myanmar and exacerbated the tensions that paved the way for the genocide that occurred in 2016 and 2017.
* Ironically, now, since 1 Feb 2021, when the Myanmar Military attempted an illegal coup, it is systematically depriving huge parts of the population of basic humanitarian needs. They were already vulnerable due to the lack of realisation of ESC rights in Myanmar.
* So, addressing the structural issues that led to the lack of realisation of ESC rights in a post-conflict Myanmar, in line with principles of non-discrimination and equality, would arguably reduce the likelihood of further conflict, and lessen the impact of conflict if it were to occur. That is why realization of ESC rights it should be a priority in addressing the structural issues that drove countries into conflict.